

FILED '10 SEP 22 12:04/USDC-ORF

Joshua Trigsted
Oregon State Bar ID Number 06531
Trigsted Law Group, P.C.
5200 SW Meadows Rd, Ste 150
Lake Oswego, OR 97035
503-376-6774, ext. # 216
866-927-5826 facsimile
jtrigsted@attorneysforconsumers.com
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

NATALIE POLSON,

Plaintiff,

vs.

P.N. FINANCIAL INC., a corporation &

NELSON M. MACWAN, individually

Defendant.

Case No.:

COMPLAINT CV '10-1150 JO

FAIR DEBT COLLECTION PRACTICES
ACT (15 USC § 1692a, *et seq.*);

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for Defendants' violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA").

II. JURISDICTION

2. Plaintiff's claim for violations of the FDCPA arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.

III. PARTIES

36048

3. Plaintiff, Natalie Polson (“Plaintiff”), is a natural person residing in Washington County, Oregon.

4. Defendant, P.N. Financial Inc., (“Defendant”) is a corporation engaged in the business of collecting debts by use of the mails and telephone. Defendant PN Financial, Inc. regularly attempts to collect debts allegedly due to another.

5. Defendant Nelson Macwan is, on information and belief, the chief executive of PN Financial, Inc., and is engaged in the business of collecting debts by use of the mails and telephone. Defendant Nelson Macwan regularly attempts to collect debts alleged to be due another.

IV. FACTUAL ALLEGATIONS

6. Defendants are each a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

7. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

8. All activities of Defendants set out herein were undertaken in connection with the collection of a “debt,” as defined by 15 USC § 1692a(5).

9. Within the last year, Defendants took multiple actions in an attempt to collect a debt from Plaintiff. Defendants’ conduct violated the FDCPA in multiple ways, including the following.

10. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken, including threatening that non-payment of the debt would result in a “Class 1 Felony.” (§ 1692e(5)).

11. On information and belief, Defendant Mr. Macwan is personally responsible for overseeing the collection practices in which Defendant PN Financial is engaged, and for ratifying policies pertaining to compliance with the FDCPA in the conduct of Defendant PN Financial's collection business.

12. On information and belief, Nelson Macwan condones and encourages the threatening behavior that Defendant PN Financial's employee engaged in, as alleged in paragraph 10, above.

13. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

14. Defendants intended to cause, by means of the actions detailed above, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

15. Defendants' actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

16. To the extent Defendants' actions, detailed in paragraphs 10-12, were carried out by an employee of Defendants, that employee was acting within the scope of his or her employment.

COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT

17. Plaintiff reincorporates by reference all of the preceding paragraphs.

18. The preceding paragraphs state a *prima facie* case for Plaintiff and against

Defendants for violations of the FDCPA, §§ 1692e(5).

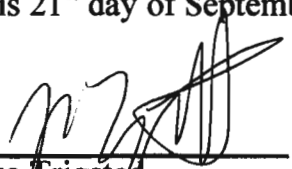
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for the following:

- A. Declaratory judgment that Defendants' conduct violated the FDCPA;
- B. Actual damages pursuant to 15 USC 1692k;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Dated this 21st day of September, 2010.

By: 
Joshua Trigsted
Trigsted Law Group, P.C.
5200 SW Meadows Rd, Ste 150
Lake Oswego, OR 97035
503-376-6774, ext. # 216
866-927-5826 facsimile
Attorney for Plaintiff